

Regular Session, 2009

SENATE BILL NO. 260

BY SENATORS CLAITOR AND BROOME AND REPRESENTATIVE GREENE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

COURTS. Provides for the jurisdiction of the East Baton Rouge Parish Family Court.
(8/15/09)

AN ACT

To amend and reenact Children's Code Articles 604 and 1512 and R.S. 46:236.2(A)(2), relative to jurisdiction; to provide for exclusive jurisdiction with the East Baton Rouge Family Court; to provide for procedures; to provide for support orders; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Articles 604 and 1512 are hereby amended and reenacted to read as follows:

Art. 604. Persons subject to proceedings

A court exercising juvenile jurisdiction shall have exclusive original jurisdiction, in conformity with any special rules prescribed by law, over any child alleged to be in need of care and the parents of any such child **except in East Baton Rouge Parish where the family court shall have exclusive and continuing jurisdiction.**

* * *

Art. 1512. Continuing jurisdiction

The court exercising juvenile jurisdiction shall have continuing jurisdiction

1 and the exclusive authority to modify its orders rendered pursuant to this Chapter
2 **except in East Baton Rouge Parish where the family court shall have exclusive**
3 **and continuing jurisdiction.**

4 Section 2. R.S. 46:236.2(A)(2) is hereby amended and reenacted to read as follows:

5 §236.2. Amendment of support orders

6 A. * * *

7 (2) Notwithstanding the provisions of R.S. 13:1599(B) ~~and 1621(C)~~, in cases
8 receiving support enforcement services from the department, upon the district
9 attorney's or the department's motion to transfer, a support order payable to the
10 department shall be transferred for subsequent enforcement and modification to the
11 appropriate juvenile court within the parish wherein the support order was rendered
12 or last registered.

13 * * *

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Michelle Ducharme.

DIGEST

Present law provides that a court exercising juvenile jurisdiction shall have exclusive original jurisdiction, in conformity with any special rules prescribed by law, over any child alleged to be in need of care and the parents of any such child.

Proposed law retains present law with the exception that in East Baton Rouge Parish, the family court shall have exclusive and continuing jurisdiction.

Present law provides that the court exercising juvenile jurisdiction shall have continuing jurisdiction and the exclusive authority to modify its orders rendered pursuant to law.

Proposed law retains present law with the exception that in East Baton Rouge Parish, the family court shall have exclusive and continuing jurisdiction.

Present law provides that notwithstanding law giving exclusive continuing jurisdiction to certain courts in Jefferson Parish and East Baton Rouge Parish, in cases receiving support enforcement services from the Department of Social Services (department), upon the district attorney's or the department's motion to transfer, a support order payable to the department shall be transferred for subsequent enforcement and modification to the appropriate juvenile court within the parish wherein the support order was rendered or last registered.

Present law provides that in the parish of East Baton Rouge, the court which renders the initial order in certain proceedings, either the family court for the parish of East Baton Rouge or the juvenile court for the parish of East Baton Rouge, shall have exclusive continuing jurisdiction to modify or enforce such order. (R.S. 13:1621(C))

Proposed law maintains present law with the exception that in East Baton Rouge Parish, a

support order payable to the department shall be transferred for subsequent enforcement and modification to the juvenile court or family court that rendered the initial order.

Effective August 15, 2009.

(Amends Ch. C. Arts. 604 and 1512 and R.S. 46:236.2(A)(2))